GOVERNMENT OF ANDHRA PRADESH

A B S R A C T

Social Welfare Department –Land Acquisition for House Sites–Kurnool District – Peapully Village and Mandal - Land Acquired for provision of house sites to the weaker section people – Sanction of Rs.18,81,403/- towards decretal charges in .O.P No. 91/1989 and 92/1989 – Orders- Issued.

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SOCIAL WELFARE (BUDGET&LA) DEPARTMENT

G.O.RT.No. 401 Dated: 23.09.2015

Read the following

1. From the Dist Collector, Kunrool Lr.No.K2/SWLA/2013, dated 31.01.2015.
2. From the DSW, A.P., Lr.No.G2/540/2015, dated 18.02.2015
3. From the CCLA, AP, Lr. No. LA1-2/160/2015, dated 01/05/2015.

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O R D E R:

In the reference 3rd read above, the Chief Commissioner of Land Administration, A.P., Hyderabad has informed that the LAO/Tahsildar, Dhone has acquired the land in Sy. No. 294/1 and 294/2B to an extent of Ac 16-18cts of Peapully Village and Mandal vide Award No. 13/83, dated 16/03/1984 for providing house sites to the weaker sections. The LAO/Tahsildhar, Dhone has passed the Award by fixing the market value at Rs. 8,000/- per acre and allowed all the benefits as per the LA Act. On a reference U/s 18 of the LA Act, the Principal Sub Ordinate Judge at Kurnool has enhanced the market value from Rs. 8,000/- per acre to Rs. 22,500/- per acre in O.P. No. 91/1989 and 92/1989, dated 17/01/1992. Aggrieved by the above order, the LAO/Tahsildhar, Dhone has filed an appeal in A.S. No. 1679/94 and 3554/92 and 255/93 in the Hon'ble High Court of AP, Hyderabad. The High Court has granted an interim stay to deposit half of the decretal amount as per Lower Court orders in CMP. No.11605/96 dated 03/09/1996 and CMP.No. 1428/96 Dated 24/07/1997. Accordingly, half of the decretal charges of Rs. 2,33,219/- in both the O.Ps were deposited in the lower court on 30/09/1997 as per the Hon'ble High Court orders. The Hon'ble High Court of AP, Hyderabad has disposed off the A.S. No.1222/92, 1679/94 and AS. Nos. 225/93, 355/92 in a common judgement dated 04/10/1999 against 2 O.Ps and enhanced the market value from Rs. 22,500/- per acre to Rs.75,000/- per acre. Out of it, 1/3rd should be deducted towards development charges, which comes to Rs. 50,000/- per acre. The Government have filed appeals in Supreme of India, in respect of O.P. Nos 91/89 and 92/89 for reduction. The Hon'ble Supreme Court of India has dismissed the said SLP filed by the Government in the CA. No. 5552, 5555 of 2001 dated 20/08/2001, ordered to remand the case afresh in accordance with law to Lower Court. Accordingly, the Hon'ble High Court in the decree and judgement in A.S. No. 1222/92, 3554/92, 225/93 and 1679/94 dated 24/12/2001 has disposed off the two OPs 91/89 and 92/89, confirming the enhancement of Rs. 22,500/- per acre with interest on 30% Solatium only and not on Addl. Market Value. Aggrieved to the order of the High Court , the claimant Smt. Raja Rathnamma (died), her legal heir of OP.No. 91/89 has filed SLP in the Supreme Court of India, New Delhi in O.P. No. 91/89 in the CA.No. 1908/2003. The Apex Court has disposed off the case in O.P No.91/89 in the CA No 1908/2003, dated 22/11/2012 enhancing the market value at Rs.50,000/- per acre and further ordered that the appellant shall be entitled to statutory interest on the Additional Amount. The Second awardee has not filed and SLP in respect of OP.No. 92/89 and hence the orders of the High Court of AP, Hyd dt : 24/12/2001 stands as it is. Thereafter the District Collector, Kurnool has submitted the final decretal charges proposals for sanction and release of Rs. 19,80,500/- (Rupees Nineteen Lakhs Eighty Thousand and Five Hundred only) in respect of OP. Nos 91/89 and 92/89 for the land acquired to an extent of Ac. 10-10 ½ Cts(Ac.6.00+4.10 ½) in Sy. No. 294/1 etc in Peapully Village and Mandal of Kurnool District, for provision of house sites to the weaker sections.

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2. After verification and scrutiny of the proposals submitted by the Director of Social Welfare, A.P.,/District Collector, Kurnool, the Chief Commissioner of Land Administration A.P., has sent comparative calculation sheet for sanction of an amount of Rs.18,81,403/- (Rupees Eighteen Lakhs Eighty One Thousand Four Hundred and Three only) towards payment of balance decretal charges in OP. Nos 91/89 and 92/89 for the land acquired to an extent of Ac. 10-10 ½ Cts (Ac.6.00+4.10 ½) in Sy. No. 294/1 etc in Peapully Village and Mandal of Kurnool District, for provision of house sites to the weaker sections.

3. Government, after careful examination of the above proposal, hereby accord permission to the Director of Social Welfare, A.P., Hyderabad for release an amount of Rs.18,81,403/- (Rupees Eighteen Lakhs Eighty One Thousand Four Hundred and Three only) to the District Collector, Kurnool, towards payment of balance decretal charges in O.P. Nos 91/1989 and 92/1989 for the land acquired to an extent of Ac. 10-10 ½ Cts (Ac.6.00+4.10 ½) in Sy. No. 294/1 etc in Peapully Village and Mandal of Kurnool District, for provision of house sites to the weaker sections.

4. The expenditure sanctioned in para (3) above shall be met within the B.E.2015-16 and debited to the following Head of Account**:**

"2225-Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H.283- Housing – G.H.11-Normal State Plan – SH(08) Acquisition of House Sites to weaker sections in Indiramma Programme – 310/312 – Other Grant – in – Aid".

5. The Director of Social Welfare, A.P., Hyderabad is directed to issue necessary Proceedings to the District Collector, Kurnool to comply with the Court orders in O.P Nos.91/1989 and 92/1989.

6. The District Collector, Kurnool shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of the Proceedings for releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

7. This order does not require the concurrence of Finance (Expr.SW) Department, as per their instructions vide U.O Note No.12869/196/A1/Expr.SW/2009 dated 22.05.2009 and U.O No. 15926/256/A1/1/Expr.SW/09, dated 17.08.2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. VIJAY KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration,
A.P., Hyderabad
The Director of Social Welfare, A.P., Hyderabad,
The District Collector, Kurnool
Copy to:
The Director of Treasury & Accounts, A.P., Hyderabad,
The Accountant General, A.P., Hyderabad,
The Deputy Director of Treasury & Accounts, Kurnool.
Finance (EBS-III) Department
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER